MR. SPEAKER :—" The question is—

'That leave to introduce the Madras Prohibition (Amendment) Bill, 1953, be granted.' "

The motion was put and carried and leave granted.

SRI V. GOPALA GOUNDER :—" I introduce the Bill."

(2) THE MALABAR AGRARIAN RELATIONS BILL, 1953.

* SRI V. R. KRISHNA AYYAR :—" Sir, I beg to move for leave to introduce the Malabar Agrarian Relations Bill, 1953."

THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—" I oppose the motion, Sir."

MR. SPEAKER :—" After a brief statement from the mover and the opposer, I will put the motion to vote."

* SRI V. R. KRISHNA AYYAR :—" Mr. Speaker, Sir, the Bill for whose introduction I am seeking the leave of this House is conceived for the benefit of the ryots of Malabar, certain taluks of South Kanara and one taluk of the Nilgiris district. The object of the Bill is to see that the agrarian relations are so readjusted as to produce a contented class of people who will be more interested in agriculture and thereby increase the productivity of the land in the country generally and in Malabar in particular. It is a matter of common knowledge for the Members of this House that in Malabar for long there has been an agitation by the tenant class, particularly the cultivating tenant class, for equitable rent and for some kind of fixity of tenure in respect of their holdings. The Bill contains certain provisions altogether new for giving statutory effect to the cherished desire of the tenants. The Hon. Minister has adopted the unusual procedure of opposing the introduction of the Bill. It is only fair that the House should be given an opportunity to consider the Bill in detail and reject it if it is found unsuitable. To forestall the decision of the House and to oppose even the introduction of the Bill is certainly a novel, unusually extraordinary and unprecedented course for the Hon. Minister to adopt. On former occasions when this House had to consider certain taxation Bills, some Members raised objection even to granting leave for introduction. The Hon. Speaker then pointed out that this course was unusual and rarely adopted, because normally the House must be given an opportunity to discuss the provisions and then reject the Bills if necessary. The House will have an opportunity of discussing the Bill only if leave for introduction is given.

" The Hon. Minister has introduced a Bill for amending the Malabar Tenancy Act. If leave is granted, there will be two Bills side by side, one very progressive and attractive and the other somewhat retrograde. If the real object of the Minister is to see that the two pictures are not presented side by side, I beg to submit this. The Malabar Tenancy Amendment Bill is of a very minor nature and it can hardly satisfy the people. It has already raised serious

discontent, as you may be aware from the big *jathas* that were organized as a protest against it. Mere patchwork amendments to that Act can hardly satisfy the people of Malabar. So I have brought forward a Bill which embodies several original features. The existing Malabar Tenancy Act was conceived and passed in 1929, and about twenty-five years have passed since then. There is hardly any use in reconstructing, amending, polishing or doing any patchwork repair to that Act. What was thought to be fair in 1928 or 1929 will hardly be thought justifiable to-day. During these years, there have been considerable changes in agrarian outlook and thought. The responsibilities of the State in protecting the tenant class have been fully appreciated in a Welfare State. We of this Welfare State are thinking of giving protection to the tenant classes in a wider measure and with a larger outlook."

MR. SPEAKER :—" The rule is that the statement should be a brief one."

* SRI V. R. KRISHNA AYYAR :—" The main features of my Bill are as follows. Firstly the cultivating tenants will be given absolute or almost absolute protection in respect of their holdings. Secondly it makes provision for a fair rent which will be really fair as against the provision in the existing Act. Although the present rent is euphemistically called fair rent, it is really exacting. Thirdly my Bill provides for the cultivating classes buying up the rights of the landlords by paying the consideration due either in a lump sum or in instalments as the court may decide and becoming peasant proprietors. Another provision in the Bill is with regard to eviction. Eviction is a common feature in Malabar, and as I pointed out during question hour this morning, three thousand and odd eviction suits were filed in the Court in the course of a month. The main feature of the Bill is to see that eviction is made as difficult and unattractive as possible and virtually confer fixity of tenure upon the tenants.

" Then, another important matter is to see that the waste lands now owned by landlords and not cultivated by them are compulsorily made available for cultivation by cultivators who are willing to take up cultivation of such lands. So, the four primary features are, (1) conferment of fixity of tenure, (2) reduction of the existing high rents and bringing them in proportion to notions of fairness, (3) allowing cultivating tenants to buy up the landlord's rights and (4) making available waste lands for cultivation. I might mention in passing that the Malabar Tenancy Amendment Bill, which has been introduced by the Government, does not touch any of these major propositions. It has just glanced over a few matters only. It can hardly be called satisfactory. So, a comprehensive Bill, which will consolidate the law regarding agrarian relations, and which will progressively bring into harmony the existing notions among the various classes of people in Malabar, is necessary. That is the object of my Bill. It can hardly be said that there is no alternative to the present amending Bill introduced by the Government. Hon. Members can take it from me that this Bill is no parallel or rival to the Bill which has

11-20 a.m.

already been introduced by the Government. It has only attractive provisions. These may not influence the opinion of the Members of the House against the Bill. With the object of vetoing the Bill, this kind of objection has been personally taken by the Hon. Minister even at this stage."

* THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—"Sir, I oppose this motion because of special circumstances. You know that introducing such Bills is the task of the Government, because the Government have to meet expenses from the funds of the State. The subject of Malabar Tenancy was taken up by the Government as early as 1930, and special modifications have been resorted to by Government by amendments to the Act. Recently an amending Bill was introduced in this Assembly, and it is now pending discussion before the Joint Select Committee. Legislation involving the exercise of Government functions and expenditure of Government funds should properly be undertaken by Government. This is the cardinal principle obtaining in all parliamentary practice. That is why, Sir, I am opposing this motion. There are many instances where private Bills were not allowed to be proceeded with in similar circumstances in the British Parliament. I may be permitted to quote two instances in which such Bills were not proceeded with. In 1887 notices were given of a private Bill for settling a scheme of arrangement for the Turkish loans of 1854, 1855 and 1871, but its subject was obviously not one to be dealt with by a private Bill, and so it was not proceeded with. Another instance was in 1900. On the second reading of a private Bill promoted by the Metropolitan Water Companies, Mr. Speaker called the attention of the House to the large and important powers which were proposed to be conferred by it upon a public department, viz., a local Government board, and which, according to the practice of the House, ought to be secured by a public rather than by a private Bill. The Bill was accordingly withdrawn. As I submitted, the funds for enforcing the provisions of the Bill will have to be found from the consolidated fund. For instance, in clause 10 (*g*) of the Bill, it is stated that every panchayat board and every municipal council shall cause to be maintained, in the prescribed manner, a record of rights in respect of every holding, ulkudi, and kudiyiruppu, within their respective territorial limits. You know, Sir, that municipal councils and panchayats cannot afford, in the present circumstances, to discharge any of these functions. Ultimately the Government will have to give them the money for complying with the provisions of this Bill. Apart from this provision, there are several other clauses of the Bill, namely, clauses 10 (*b*) (i), 11 (i), 14 (*b*), 23 (i), 24 and 38, which impose additional duties on Revenue officers and on courts in connexion with various matters such as the determination of fair rent, adjudication of disputes between the landlord and the tenant in connexion with the payment of rent, purchase of lands by the tenant and the enquiry into petitions for assignments of arable waste lands. The performance of these duties will necessitate the appointment of additional staff and this will involve increased expenditure from the consolidated fund of the State. Clause 38, expressly provides for

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the payment of compensation by Government to the parties whose rights are adversely affected. The compensation payable by the Government will have to be met from the Consolidated Fund of the State. Several provisions of the Bill, I am sorry to say, are not clear. Most of the clauses have to be recast. The Bill is to be re-arranged. You know, Sir, that it may not be profitable for the Legislature or for the public to spend much of their time in scrutinizing this Bill. Moreover, Sir, you know that this is a parallel legislation. Most of the provisions reiterated in this Bill are contained in the existing statute. The proper procedure would have been to bring in an amendment to the amending Bill. All these things can be discussed and scrutinized at the Joint Select Committee meetings. In these circumstances, Sir, I am compelled to oppose this Bill at this stage. In ordinary circumstances, I would not have opposed it. The peculiar circumstances obtaining now warrant that I should oppose this Bill. I will be failing in my duty if I do not oppose the motion. With these words, Sir, I oppose the motion of the hon. Member Sri V. R. Krishna Ayyar."

Sri V. R. KRISHNA AYYAR :—" Mr. Speaker, Sir, on a point of clarification I want to make a very brief statement. The Hon. Minister in his objection to leave being granted for introducing my Bill, was stressing the fact that it involved expenditure from the consolidated fund of the State. There are two distinct stages in the Constitution, to which I would invite the attention of the Hon. Minister. The first stage is the grant of leave to introduce a Bill in the House. When the Bill is to be considered by the House clause by clause or in greater detail, touching the consolidated fund of the State, it would be necessary to obtain the Governor's recommendation for the discussion of the Bill. Therefore, this argument cannot be used as an objection or a veto at this stage. The question of consolidated fund of the State does not come here now. Here it is a case where the House has got to see whether the extraordinary step of granting leave for introducing this Bill should be taken. This is a highly extraordinary step. This should be distinct from the other stage, namely, expenditure out of the consolidated fund of the State. That is a matter for the Governor to consider and not for the Assembly. The Hon. Minister need not usurp the powers of the Governor or indicate any suggestion that Governor's recommendation shall be taken. It is for the private Member to wait upon the Governor and persuade him to give the recommendation. The two stages must be kept separate. The second stage need not be brought in here to confuse the issue. Secondly, the expenditure from the consolidated fund of the State is very small and insignificant. I was listening to the Hon. Minister when he referred to the consolidated fund of the State. The way he referred to the fund suggested that the consolidated fund of the State would be drained by this Bill. Absolutely little more expenditure than is incurred at present is covered by this Bill."

MR. SPEAKER :—" The question is—

'That leave be granted for the introduction of the Malabar Agrarian Relations Bill, 1953.' "

11-30 p.m. The motion was put and declared lost. A poll was demanded. and the division bell was rung.

MR. SPEAKER :—" I understand that the Hon. the Chief Minister has no objection to the introduction of the Bill."

THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—" We have no objection, Sir, to the introduction of the Bill."

MR. SPEAKER :—" The Hon. Chief Minister wants to say something. As a special case, I shall allow him. I hope the House will not mistake it."

* THE HON. SRI C. RAJAGOPALACHARI :—" The Government having introduced a Bill, a Joint Select Committee having been appointed and as the thing is going on and the present Bill is in substance an amendment to that Government Bill, the Government decided to oppose the introduction of the present Bill. But if the hon. Member still desires that it should be introduced, the Government have no objection."

MR. SPEAKER :—" The question is—

'That leave be granted for the introduction of the Malabar Agrarian Relations Bill, 1953'."

The motion was put and carried and leave was granted.

SRI V. R. KRISHNA AYYAR :—" I introduce the Bill."

(3) THE MADRAS AGRICULTURISTS' RELIEF (AMENDMENT) BILL, 1953.

SRI M. NARAYANA KURUP :—" Mr. Speaker, Sir, I beg leave to introduce the Madras Agriculturists' Relief (Amendment) Bill, 1953."

MR. SPEAKER :—" Motion moved—

'That leave be granted for the introduction of the Madras Agriculturists' Relief (Amendment) Bill, 1953.

" I want to know what the Government want to say on this matter."

* THE HON. SRI M. A. MANICKAVELU NAICKER :—" In the first instance, I am constrained to oppose the motion, Sir."

MR. SPEAKER :—" I shall allow the hon. Member to make a brief statement and the Hon. Minister to speak afterwards Then, I will put the motion to the vote of the House."

* SRI M. NARAYANA KURUP :—" Sir, I thought at least this was a non-controversial Bill. Seeing what has happened to the previous Bill, I am really surprised to see that the Hon. the